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PAS

FACTS

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Personal Assistance Services: Emerging from Community Support to Employment Support

INTRODUCTION

To fully understand PAS as a workplace support it is important to understand its evolution from an institutional based service to a community based service and how it has emerged as a valuable workplace support. Factors contributing to this evolution were the Civil Rights Movement, Disability Rights Legislation, and Public Policy Initiatives. Most important was the 1976 Reauthorization of the Rehabilitation Act Amendment giving birth to the Independent Living Movement which established CIL's and trained participants how to choose and direct their own services.

PAS AS A COMMUNITY LIVING SUPPORT

Prior to the late 1970's, people with disabilities had little choice or control over how they receive personal assistance services for their daily activities, they had to rely on family members or be residents in a facility to receive services. This changed with the 1976 Re-authorization of the Rehabilitation Act that added provisions for independent living services and mandated these services be delivered through Centers for Independent Living (CILs). This provision has had a positive impact on the use of PAS at work and is explained further in this fact sheet.

The addition of an independent living services provision brought changes in service delivery for people with disabilities. For the first time individuals with disabilities were entitled to an array of non-vocational services enabling them to live in the community. This provision mandated CIL services be directed and provided by staff made up of professionals with disabilities. Through its Independent Living Skills training the CILs offered how to recruit, hire, train, and manage a person's own PA allowing the PAS user to direct the services needed. Below shows the difference between provider-driven and consumer-driven PAS services.

Provider-Driven PAS Services

- Provider agency chooses PA
- Schedules times PAS services will be provided
- Agency determines how services will be provided

Customer-Driven PAS Services

- Consumer recruits/hires own PA
- Consumer determines when and how PAS services will be provided
- Personal assistant is responsible to the consumer and not a home health agency

FUNDING BARRIERS TO ACQUIRING EFFECTIVE CONSUMER-DRIVEN PAS SERVICES

The primary barrier for people with disabilities to receive quality consumer-driven PAS services has been the absence of an adequate funding tool. In most states Medicaid funding for community-based PAS services are through contracts with home healthcare agencies. To date few states have developed effective funding tools to pay PAs as private contractors. Some states such as KS, CA, and MA have started offering consumer directed PAS services through a variety of Medicaid waivers due to very active CILs. Other states such as IL and VA established PAS programs through state vocational rehabilitation agencies. Although both programs were very



IMPACT OF FEDERAL LEGISLATION AND PROGRAMS ON WORKPLACE PAS

successful, PAS advocates agree a single national program is needed for consumer directed PAS services to be provided in a consistent and effective manner.

The following federal legislative initiatives have clearly established workplace PAS as a reasonable employment accommodation for employees with significant disabilities.

Section 504 of the 1976 Re-authorized Rehabilitation Act -- This law prohibits employment discrimination on the basis of disability by federal employers or employers using federal funds. Section 504 established workplace PAS as a reasonable accommodation enabling people with disabilities to work for the first time.

Title I of the Americans with Disabilities Act -- This law almost mirrors Section 504 but with one critical difference, it not only covers federal employers and grantees, it also covers employers in the private sector. Title I of the ADA increased the employment opportunities for people with significant disabilities and at the same time moved workplace PAS into the private business sector making it a win-win situation for both employees with disabilities and the WPAs.

Title II and XVI of the Social Security Act -- Workplace PAS has been a SSA work incentive since the late 70's but has been underutilized by employees with disabilities due to the lack of training for WPAS as a work incentive and how it can maximize the employee's efficiency. One unique feature is that it can be used as both an Impairment Related Work Expense (IRWE) and a subsidy. IRWE's are job related expenses paid for by the employee which can be used to reduce the employee's earned income to maintain health care benefits.

TWO EXAMPLES OF WORKPLACE PAS AS A REASONABLE ACCOMMODATION

Employee One -- A technology and telecommunication policy specialist has Cerebral Palsy that affects mobility and speech. The employee uses PAs at home to help with bathing, eating, shopping, dressing, transferring, and toileting. Scheduling of the home assistants is hampered by their inability to arrive early in the morning. This, combined with transportation problems, make it difficult for the employee to arrive at work when the office opens for business.

Workplace PAS Accommodation

The employer made an adjustment in the employee's work schedule which allowed the employee to work a flex work day beginning one hour after the office regularly opened and ending one hour after the office closes. Security personnel were informed of the schedule and were available to lock doors when the employee finished work. A part-time personal assistant was hired to help the employee eat lunch and toileting.

Employee Two -- An employee with blindness must prepare memos, briefs, reports, technical assistance papers, and performance reports. These must be prepared using a variety of sources, including books, newspapers, verbal reports, and Internet materials.

Workplace PAS Accommodation

The employer accommodated the employee by purchasing a print reader closed circuit TV system to provide access to the sources in books. Voice output screen reading software was installed to provide internet access. The employee was given access to a coworker from a shared labor pool to read print materials not suited to be read by the technological solutions.

RESOURCES

- PAS Services training through Center for Independent Living -- [National Council on Independent Living -- www.ncil.org](http://www.ncil.org)
- What is MiCassa -- [American Disabled for Attendant Programs Today -- www.Adapt.org](http://www.Adapt.org)
- SSA Work Incentives -- [Social Security Administration -- www.ssa.gov](http://www.ssa.gov)
- Workplace PAS as a reasonable accommodation -- [Job Accommodation Network -- www.JAN.org](http://www.JAN.org)
- Discrimination and workplace PAS as a reasonable accommodation -- [Equal Employment Opportunity Commission -- www.eeoc.gov](http://www.eeoc.gov)